



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: YAMAUCHI=3B

In re Application of:)	Art Unit:
)	
Tsuyoshi YAMAUCHI)	Examiner:
)	
Appln. No.: 10/821,973)	Washington, D.C.
)	
Filed: April 12, 2004)	Confirmation No.
)	
For: CRYSTALS OF A VITAMIN)	May 12, 2004
D DERIVATIVE AND A METHOD...)	

PRELIMINARY AMENDMENT AND REMARKS

Customer Window, Mail Stop
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Prior to examination of the above-identified application, please amend as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Tsuyoshi YAMAUCHI

Appln. No. 10/821,973

Date Filed: April 12, 2004

For: CRYSTALS OF A VITAMIN D DERIVATIVE...



Art Unit:

Examiner:

Washington, D.C.

Atty.'s Docket: YAMAUCHI=3B

Date: May 12, 2004

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Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Transmitted herewith is a [X] PRELIMINARY AMENDMENT for the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted
 [] Applicant claims small entity status. See 37 C.F.R. §1.27.
 [XX] No fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 8	MINUS ** 20	0
INDEP.	* 6	MINUS *** 3	3
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

ADDITIONAL FEE TOTAL \$

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 9	\$		x 18	\$
x 43	\$		x 86	\$ 258.00
+ 145	\$		+ 290	\$
ADDITIONAL FEE TOTAL			TOTAL	\$ 258.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[] Conditional Petition for Extension of Time
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 55.00
 [] Second - \$ 210.00
 [] Third - \$ 475.00
 [] Fourth - \$ 740.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[] First - \$ 110.00
 [] Second - \$ 420.00
 [] Third - \$ 950.00
 [] Fourth - \$ 1480.00

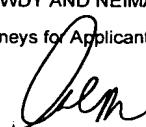
Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$258.00.
 [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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